



## Public Document Pack

**Jeff Hughes**  
*Head of Democratic and Legal  
Support Services*

**MEETING** : LICENSING COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : THURSDAY 13 MARCH 2014  
**TIME** : 4.30 PM

### **MEMBERS OF THE COMMITTEE:**

Councillor R Beeching (Chairman).  
Councillors W Ashley, P Ballam, E Bedford, E Buckmaster,  
Mrs R Cheswright, K Crofton, Mrs D Hone, J Jones, M McMullen  
(Vice-Chairman), P Moore, J Taylor, A Warman and B Wrangles, Vacancy.

### **Substitutes:**

Conservative Group: Councillors G Jones and P Ruffles.  
Liberal Democrat Group:  
Independent Group: Councillor M Newman.

*(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting).*

**CONTACT OFFICER: PETER MANNINGS**  
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## DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
  - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
  - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
  - participate in any discussion or vote on a matter in which a Member has a DPI;
  - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

## AGENDA:

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Member(s)' declaration(s) of interest.

4. Minutes – 7 November 2013

To confirm the Minutes of the meeting of the Committee held on Thursday 7 November 2013 (Previously circulated as part of the Council Minute book for 11 December 2013).

5. Licensing Sub-Committee – 19 November 2013, 6 December 2013, 6 January 2014, 28 January 2014, 29 January 2014 and 14 February 2014.  
(Pages 7 – 42).

To receive the Minutes of meetings of the Licensing Sub-Committee held on:

19 November 2013  
6 December 2013  
6 January 2014  
28 January 2014  
29 January 2014  
14 February 2014.

6. Report on Licensing Activity – Quarter 4 of 2013 (Pages 43 – 52).

7. Consideration of an Approach from the Public Fundraising Association (PFRA) regarding possible Site Management Agreements (SMA)  
(Pages 53 – 88).

8. Proposal for Engagement with the East Herts Licensed Hackney Carriage and Private Hire Trade (Pages 89 – 96).
9. Hertford Taxi Marshals Scheme Review and Proposal for the 2014–2015 Service Level Agreement (Pages 97 – 102).
10. Attendance at Licensing Sub–Committee (Pages 103 – 108).
11. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN  
THE COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON TUESDAY 19 NOVEMBER  
2013, AT 2.00 PM

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PRESENT: Councillor Roger Beeching (Chairman).  
Councillors W Ashley and Mrs D Hone.

ALSO PRESENT:

Councillors P Ballam and M McMullen.

OFFICERS IN ATTENDANCE:

Claire Mabbutt	- Licensing Officer
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

21 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor W Ashley and seconded by Councillor Mrs D Hone that Councillor R Beeching be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor R Beeching be appointed Chairman of the Licensing Sub-Committee for the meeting.

22 MINUTES – 14 OCTOBER 2013

RESOLVED – that the Minutes of the meeting held on 14 October 2013 be confirmed as a correct record and signed by the Chairman.

23 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100 (A) (4) of the Local Government Act 1972, to exclude the press and public during consideration of the business referred to in Minutes 24 – 26 on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

24 ACCUMULATION OF 12 OR MORE LICENSING POINTS IN A ROLLING 24 MONTH PERIOD – MR BC

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors P Ballam and M McMullen and a Licensing Officer could remain in the room as observers.

The Senior Specialist Licensing Officer advised that the taxi driver detailed in the report had accumulated 12 or more Licensing Authority penalty points in a 24 month period. The driver had been issued with a total of 12 points rather than the 15 points detailed at paragraph 2.6 of the report as the Licensing Policy only allowed a maximum of 12 points to be issued on any one occasion.

Members were also advised that the taxi driver had already accumulated 10 points under the penalty points scheme as detailed at paragraph 2.7 of the report. The taxi driver currently had 22 points on his taxi driver's licence as the first of the historical points would remain 'live' until 25 June 2014.

The Senior Specialist Licensing Officer advised that, if Members were minded to suspend or revoke the taxi driver's licence, then the decision would not take effect until the statutory 21 day period for making an appeal to the magistrates' court had expired. He stated that if the decision was appealed to the magistrates' court, then the decision would be stayed until the court proceedings had concluded.

The applicant and the Senior Specialist Licensing Officer responded to a number of Members' queries. The applicant referred in particular to the circumstances that had led to the penalty points being applied. He explained the procedures he had put in place to prevent a reoccurrence of the circumstances leading up to the penalty points.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and Democratic Services Officer to consider the evidence.

Following this they returned and the Chairman announced that the Sub-Committee had listened to the comments of Officers, the applicant and his representative and had decided that a written warning be issued to the applicant regarding his future conduct. The Sub-Committee stated that his failure to produce valid insurance must not happen again. Additionally, the Sub-Committee was of the view that checking and ensuring that the correct equipment was in place in a taxi, was a welcome improvement.

The Chairman concluded that it was the applicant's responsibility to ensure that documentation was submitted to Officers in time and Members did not expect to see the taxi driver before a Licensing Sub-Committee in the future.

RESOLVED – that a written warning be issued to the taxi driver regarding his future conduct, for the reasons now detailed.

25 ACCUMULATION OF 12 OR MORE LICENSING POINTS IN A ROLLING 24 MONTH PERIOD – MR KA

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors P Ballam and M McMullen and a Licensing

Officer could remain in the room as observers.

The Senior Specialist Licensing Officer advised that the taxi driver detailed in the report had accumulated 12 or more Licensing Authority penalty points in a 24 month period. The driver had been issued with a total of 12 points rather than the 13 points detailed at paragraph 2.5 of the report as the Licensing Policy only allowed a maximum of 12 points to be issued on any one occasion.

Members were advised that the taxi driver detailed in the report, had been first licensed on the 8 July 2013 and had not previously been issued with any points under the Licensing Authority penalty points scheme.

The Senior Specialist Licensing Officer advised that, if Members were minded to suspend or revoke the taxi driver's licence, then the decision would not take effect until the statutory 21 day period for making an appeal to the magistrates' court had expired. He stated that if the decision was appealed to the magistrates' court then the decision would be stayed until the court proceedings had concluded.

The applicant and the Senior Specialist Licensing Officer responded to a number of Members' queries regarding the award of the penalty points. The applicant commented that he had been assured the correct equipment was in the taxi before he drove the vehicle. The applicant confirmed that he was in possession of all the guidance booklets issued to taxi drivers.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and Democratic Services Officer to consider the evidence.

Following this they returned and the Chairman announced that the Sub-Committee had listened to the comments of Officers and the applicant and had decided that a written warning be issued to the applicant regarding his future

conduct. The Chairman stated that it was the applicant's responsibility to re-read his guidance booklets and check that everything that should be in his taxi, was present and correct.

The applicant was reminded that he must be responsible for his actions and Members did not expect to see him before a Licensing Sub-Committee hearing in the future.

RESOLVED – that a written warning be issued to the applicant regarding his future conduct for the reasons now detailed.

26 APPLICATION FOR A TAXI DRIVERS LICENCE –  
APPLICANT WITH SPENT CONVICTIONS

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors P Ballam and M McMullen and a Licensing Officer could remain in the room as observers.

The Senior Specialist Licensing Officer advised the Sub-Committee of the details of the application and how it related to Section 51 of the Licensing Act 1976. Members were provided with background information relating to the applicant and the Sub-Committee was reminded that it was for the applicant to prove that he was a "fit and proper person" to hold a taxi driver's licence.

Members were also reminded that it was the role of the Licensing Sub-Committee to ensure the safety of the travelling public. The applicant was in attendance and he provided a detailed summary of his background and in particular the circumstances that led to his 3 convictions.

The applicant also detailed the process he had followed in completing his application as well as the circumstances of his enhanced criminal records bureau (CRB) disclosure. The applicant advised that he had had no further convictions since the year 2000 and he referred to his recent work for a scaffolding company as well as painting

and decorating work.

The applicant advised that he had also been working for “Tesco.com” operations at Waltham Cross. He stated that his work as a taxi driver would be in addition to this work. Members were provided with a recent letter detailing a job offer made to the applicant from a private hire company.

The applicant responded to a number of Members’ queries. At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and Democratic Services Officer to consider the evidence.

Following this they returned and the Chairman announced that the Sub-Committee had listened to the comments of Officers and the applicant and had decided that Members were satisfied that the applicant had demonstrated that he was a fit and proper person to hold a Taxi Driver’s Licence.

The applicant was advised that this had not been an easy decision to make considering the procedures of the Licensing Authority plus the inaccuracies in the applicant’s application form filling.

The Panel concluded that the applicant had had an interesting past and should know that drinking and driving did not mix. Members stated that they trusted the applicant to look after the residents of East Herts in a correct and proper manner.

RESOLVED – that the application for a taxi driver’s licence be approved, for the reasons now detailed.

27 APPLICATION TO VARY A LICENSED PREMISES GAMING MACHINE PERMIT FOR THE RYE HOUSE, RYE ROAD, HODDESDON

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The Director of Neighbourhood Services submitted a

report inviting the Licensing Sub-Committee to decide whether to grant or refuse the variation application to increase the number category C machines from 3 to 4 at The Rye House, Rye Road, Hoddesdon.

The Senior Specialist Licensing Officer advised that he had nothing to add to the report and he was not aware of any complaints or issues since the premises was granted a gaming machine permit for 3 category C machines on 9 July 2008.

As the applicant was not in attendance, the Sub-Committee remained in the room and approved the application as detailed in the report now submitted.

RESOLVED – that, as no reasons for not approving the application had been raised, the application to vary the licensed premises gaming machine permit be approved.

The meeting closed at 3.45 pm

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN  
THE COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON FRIDAY 6 DECEMBER  
2013, AT 10.00 AM

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PRESENT: Councillor Michael McMullen (Chairman).  
Councillors E Bedford and J Jones.

ALSO PRESENT:

Councillors R Beeching and P Ruffles.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

28 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Jones and seconded by Councillor E Bedford that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

29 MINUTES – 25 OCTOBER 2013

RESOLVED – that the Minutes of the meeting held on 25 October 2013 be confirmed as a correct record and signed by the Chairman.

30 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100 (A) (4) of the Local Government Act 1972 as amended, to exclude the press and public during consideration of the business referred to in Minute 24 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

31 APPLICATION FOR A TAXI DRIVER'S LICENCE WITH SPENT CONVICTIONS – NUMBER 024375

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors R Beeching and P Ruffles could remain in the room as observers.

The Senior Specialist Licensing Officer advised the Sub-Committee of the details of the application and provided background information relating to the applicant. The Sub-Committee was asked to consider whether the applicant was a “fit and proper person” to hold a taxi driver’s licence.

The applicant provided a summary of his background, including an explanation of events and why he should be considered for a taxi driver’s licence. In response to a query regarding his current working status, he stated that for the last nine years he had held a taxi driver’s licence with Epping Forest District Council. He had also worked as a driver for Virgin.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this they returned, and the Chairman announced that the Sub-Committee had carefully

considered the contents of the report, the applicant's representations and the fact that he had held a Taxi Driver's Licence for the last 9 years and had decided to allow the application to proceed.

RESOLVED – that the application for a taxi drivers' licence be approved, for the reasons now detailed.

The meeting closed at 10.25 am

Chairman .....
Date .....

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MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN  
THE COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON MONDAY 6 JANUARY  
2014, AT 10.00 AM

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PRESENT: Councillor Alan Warman (Chairman).  
Councillors E Bedford and E Buckmaster.

ALSO PRESENT:

Councillors M McMullen.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Paul Merry	- Licensing Officer
Oliver Rawlings	- Senior Specialist Licensing Officer

32 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor E Bedford and seconded by Councillor E Buckmaster that Councillor A Warman be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor A Warman be appointed Chairman of the Licensing Sub-Committee for the meeting.

33 MINUTES – 6 DECEMBER 2013

RESOLVED – that the Minutes of the meeting held on 6 December 2013 be confirmed as a correct record and signed by the Chairman.

34 APPLICATION BY IBRAHIM KAYMAZ FOR A PREMISES LICENCE AT 2-4 FORE STREET, HERTFORD, SG14 1BZ

The Chairman outlined the procedure to be followed. All those present were introduced.

The Senior Specialist Licensing Officer advised that the application was for a new premises licence for the sale of alcohol for consumption off the premises at the following times, which were also the requested opening hours:

Monday to Thursday	07:00 – 01:00
Friday and Saturday	07:00 – 03:00
Sunday	08:00 – 00:00

The Sub-Committee was advised that there had been 5 valid representations against the application. The Senior Specialist Licensing Officer stated that Hertfordshire Constabulary had objected in their role as a Responsible Authority.

Members were advised that the Police had requested that the licence be granted with amended hours and additional conditions. The Police representative also detailed that, since 24 April 2013, there had been 88 calls from the Fore Street area, many of which could be attributed to the consumption of alcohol.

An objection had also been received from a member of the public who lived and worked near the premises and 3 objections had been received from people who worked or operated businesses near to the premises.

Members were advised of the steps the applicant had included on the application to promote the 4 licensing objectives but that these were in need of clarification. The Senior Specialist Licensing Officer referred to some of the suggested measures as being unenforceable as detailed on page 23 of the report.

A Police representative stated that the Police had objected on the grounds of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. The Police considered that, if the application

was granted as requested by the applicant, then this would undermine the licensing objectives.

Members were advised of a number of incident logs from the Fore Street area, all of which had placed a significant demand on Police resources and had caused distress for residents. The Sub-Committee was advised that alcohol was a contributing factor to all of these incidents and this application would exacerbate alcohol fuelled problems in an area covered by a Designated Public Places Order (DPPO).

In response to a query from Councillor E Buckmaster, the applicant's agent confirmed that the applicant was happy to accept all of the suggestions by the Police regarding opening hours and conditions. The Police had suggested a closing hour of 11 pm for opening and the retail sale of alcohol.

Members were advised that the applicant had been in the licensing trade for a number of years and this would be a family run business which would create employment. Members were also advised that CCTV would be ready for use within the premises in 2 to 3 weeks.

The Sub-Committee was advised that the premises would operate as a convenience store selling groceries as well as alcohol for consumption off the premises. A refusals book would be kept and would be available for Police inspection. The applicant was also happy to comply with the provisions of the "Challenge 25" Policy.

At the conclusion of the final representations, the Sub-Committee withdrew with the Legal Services Manager and Democratic Services Officer to consider the evidence.

Following this they returned and the Chairman announced that the Sub-Committee had listened to the comments of the Senior Specialist Licensing Officer, the Police and the applicant, and had considered the written representations.

Members had decided to approve the application subject to the conditions agreed with the Police as detailed on pages 26 and 27 of the report now submitted.

The Sub-Committee also requested that the staff undergo training to ensure that they adhere to the "Challenge 25" Policy and that records should be kept for inspection by the Police. The Sub-Committee complimented the Police and the applicant on their constructive work in agreeing conditions.

RESOLVED – that for the reasons now detailed, the application for a premises licence be approved.

The meeting closed at 10.40 am

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN  
THE COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON TUESDAY 28 JANUARY  
2014, AT 2.00 PM

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PRESENT: Councillor Rose Cheswright (Chairman).  
Councillors R Beeching and J Jones.

ALSO PRESENT:

Councillors M McMullen and P Ruffles.

OFFICERS IN ATTENDANCE:

Chris Clowes	- Licensing Enforcement Manager
Claire Mabbutt	- Licensing Officer
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

35 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Jones and seconded by Councillor R Beeching that Councillor Mrs R Cheswright be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor Mrs R Cheswright be appointed Chairman of the Licensing Sub-Committee for the meeting.

36 MINUTES – 19 NOVEMBER 2013

RESOLVED – that the Minutes of the meeting held on 19 November 2013 be confirmed as a correct record and signed by the Chairman.

37 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100 (A) (4) of the Local Government Act 1972, to exclude the press and public during consideration of the business referred to in Minutes 38 – 40 on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

38 ACCUMULATION OF 12 OR MORE LICENSING POINTS IN A ROLLING 24 MONTH PERIOD – MR H

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors M McMullen and P Ruffles and a Licensing Officer could remain in the room as observers.

The Licensing Enforcement Officer advised that the applicant had been issued with 12 Licensing Penalty Points for the offences detailed in the report now submitted.

Members were advised that the taxi driver detailed in the report had first been licensed by East Herts Council in January 2013 and his current driver's badge was due to expire on 7 June 2014. The Sub-Committee was advised of a number of questions that Members might wish to ask the taxi driver regarding his level of responsibility for his actions and his failure to comply with legislation and taxi licensing policy.

The Licensing Enforcement Officer referred to the fact that the taxi driver was being prosecuted by Hertfordshire Constabulary as detailed in paragraph 2.7 of the report

now submitted.

Members were advised that, if they suspended or revoked the taxi driver's licence, the decision would not take effect until the statutory 21 day period for making an appeal to the magistrates court had expired.

Members were advised that Officers considered it had been appropriate to issue the Licensing Points so that due consideration was given as to whether the taxi driver remained a 'fit and proper' person to hold a dual driver's licence. Members were asked to consider what, if any, disciplinary action was necessary in accordance with the Licensing Points Policy.

Councillor R Beeching queried the impact of there being a different proprietor than the taxi driver in ownership of a taxi. Members were advised that East Herts Council issued licenses to individuals or to a proprietor. The responsibility for the vehicle lay either with the individual or the proprietor depending on who the licence had been issued to.

The Sub-Committee asked the taxi driver a number of detailed questions regarding the ownership and insurance arrangements in respect of the car he was stopped in on the 22 November 2013. The taxi driver explained the circumstances of the stop operation carried out by Hertfordshire Constabulary and Licensing Officers.

The taxi driver explained what he had been led to believe regarding the insurance arrangements of the Vauxhall Vectra he had purchased in early November 2013. He also explained the detailed circumstances surrounding his purchase of the vehicle from the previous owner. The taxi driver confirmed that he had not received the vehicle's log book from the previous owner.

In response to a query from Councillor R Beeching, the taxi driver confirmed that he wanted to work in East Herts as the volume of taxi drivers in the Luton area meant that

he had been working long hours with a limited income. He also confirmed that he had worked for a company called Herts Line since June 2013.

The taxi driver concluded that he was due in court in respect of the stop operation carried out by Hertfordshire Constabulary and Licensing Officers. He stated that he had been the victim of fraudulent activity regarding the sale and insurance of the car he was driving on 22 November 2013.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and Democratic Services Officer to consider the evidence.

Following this they returned and the Chairman announced that the Sub-Committee had listened to the comments of the applicant and Licensing Officers. The Sub-Committee was very concerned that the applicant had been driving without insurance, which it considered a very serious matter and noted the ongoing police investigation. In this regard, the Sub-Committee confirmed the 12 Licensing Points awarded by Officers.

The Sub-Committee commented that they had given serious consideration to revoking the applicant's licence, but felt this was premature and it might be the case that Licensing Officers report this issue back to Members at a later stage.

RESOLVED – that, for the reasons now detailed, the 12 Licensing Penalty Points awarded by Officers be confirmed.

### 39 ACCUMULATION OF 12 OR MORE LICENSING POINTS IN A ROLLING 24 MONTH PERIOD – MR R

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors M McMullen and P Ruffles and a Licensing

Officer could remain in the room as observers.

The Licensing Enforcement Officer advised that the applicant had been issued with 16 Licensing Penalty Points for the offences detailed in the report now submitted. Members were advised that the taxi driver detailed in the report had first been licensed by East Herts Council in July 2013 and his current driver's badge was due to expire on 3 July 2014.

Members were advised that, if they suspended or revoked the taxi driver's licence, the decision would not take effect until the statutory 21 day period for making an appeal to the magistrates court had expired.

Members were advised that Officers considered it had been appropriate to issue the Licensing Penalty Points so that due consideration was given as to whether the taxi driver remained a 'fit and proper' person to hold a dual driver's licence. Members were asked to consider what, if any, disciplinary action was necessary in accordance with the Licensing Points Policy.

The taxi driver explained that he had sold the Vauxhall Vectra detailed in the report in November 2013. He confirmed that the buyer had been given the car's paperwork and became the owner of the vehicle on 15 November 2013. The driver summarised the detailed circumstances surrounding the cash purchase of the vehicle and confirmed that he was not in possession of the vehicle's original log book.

The taxi driver advised Members that he had advised the buyer of the car that he would have to arrange his own insurance. Members were referred to the bill of sale that had been circulated as part of the Agenda.

The Licensing Enforcement Officer stated that the taxi driver had produced an insurance document to Licensing Officers as evidence the car was insured when he had in fact cancelled the policy that same day, 5 November

2013.

Following further questioning from Officers and the Sub-Committee, the taxi driver confirmed that, following the seizure of the Vauxhall Vectra, this vehicle had been collected from the police by the registered keeper of the vehicle and he had thought the car was insured under a fleet policy.

The Licensing Officer in attendance as an observer advised Members that all of the insurance documents produced by the taxi driver were individual policy documents and were not fleet policies.

The Licensing Enforcement Officer reminded Members that a licensed taxi vehicle had been used in East Herts that was uninsured from 5 to 22 November 2013, and there had been ample opportunities for the taxi driver present to contact Officers with this information.

Members were advised that the Authority had been exposed to the risks of an uninsured taxi operating in the District. The taxi driver apologised for the errors regarding the taxi insurance and the inconvenience these had caused.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and Democratic Services Officer to consider the evidence.

Following this they returned and the Chairman announced that the Sub-Committee had listened to the comments of the applicant and Licensing Officers. The Sub-Committee was very concerned regarding the submission of inaccurate insurance details, the licensing points issued to the applicant for not wearing a badge on 22 November 2013, and the failure to produce insurance documentation.

The Sub-Committee commented that it had given serious

consideration to revoking the applicant's licence. Members decided to confirm the 16 Licensing Points. The applicant was advised that if he came before the Sub-Committee and was found guilty of any further offences he would be at risk of losing his licence.

RESOLVED – that, for the reasons now detailed, the 16 Licensing Penalty Points awarded by Officers be confirmed.

40 APPLICATION NUMBER 025201

The Chairman outlined the procedure to be followed. All those present were introduced. The applicant agreed that Councillors M McMullen and P Ruffles could remain in the room as observers.

The Senior Specialist Licensing Officer advised the Sub-Committee of the details of the application and how it related to Section 151 of the Licensing Act 1976. Members were reminded that all convictions remained live in respect of applications for Taxi Driver's licences.

The Sub-Committee was provided with background information relating to the applicant and the convictions that he had declared as part of his application. The Senior Specialist Licensing Officer stated that the applicant already held a taxi driver's licence with Aylesbury Vale District Council.

Members were reminded that it was for the Sub-Committee to decide whether the applicant was a "fit and proper person" to hold a taxi driver's licence. The applicant provided detailed information regarding the circumstances that led to the cautions and convictions he had declared to Licensing Officers.

In response to a query from Councillor R Beeching, the Senior Specialist Licensing Officer advised that the applicant had been first granted a taxi driver's licence by Aylesbury Vale District Council in 2010 and the applicant

was licensed by that Authority until March 2016.

In response to Members’ queries, the applicant confirmed that, whilst he lived in Luton, he wished to work as a taxi driver in East Herts due to the improved income he hoped to secure in the area.

At the conclusion of the representations, the Senior Specialist Licensing Officer and the applicant withdrew from the Council Chamber to allow the Sub–Committee to consider the evidence.

Following this they returned and the Chairman announced that the Sub–Committee had listened to the comments of the applicant and Licensing Officers and had decided to approve the application. The Sub-Committee stated that the applicant had been working without problems for Aylesbury Vale District Council and Members expected the same situation at East Herts Council.

RESOLVED – that, for the reasons now detailed, the application for a taxi drivers licence be approved.

The meeting closed at 4.40 pm

Chairman .....
Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN  
THE COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 29  
JANUARY 2014, AT 10.00 AM

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PRESENT: Councillor Michael McMullen (Chairman)  
Councillors Mrs D Hone and B Wrangles

ALSO PRESENT:

Councillors W Ashley, P Gray, G Jones,  
K Warnell and C Woodward

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Oliver Rawlings	- Senior Specialist Licensing Officer
George Robertson	- Legal Services Manager

41 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Mrs D Hone and seconded by Councillor B Wrangles that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

42 LICENSING ACT 2003 – REVIEW OF A PREMISES  
LICENCE, BOARS HEAD, 30 HIGH STREET, BISHOP'S  
STORTFORD

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The Chairman outlined the procedure to be followed. All those present were introduced. The Senior Specialist

Licensing Officer advised the Sub-Committee that additional papers had been circulated after the agenda had been dispatched, and provided a summary of these.

Members were advised that the review had been requested by Hertfordshire Constabulary because of concerns regarding a failure by the Boars Head to uphold licensing objectives in terms of crime and disorder and the protection of children from harm.

Police Sergeant Palfreyman from Hertfordshire Constabulary explained his role and responsibilities in terms of licensing. He explained that the Boars Head had been excluded from the Pub Watch scheme following a failure to adhere to the "Behave or Be Banned" Scheme. He provided a summary of incidents involving the Police being called to the Boars Head.

The Police Officer stated that a meeting had been subsequently arranged with Mr Melody to discuss concerns about the management of the premises. The Police had suggested a number of recommended conditions which they considered would address their concerns and these were submitted in writing to the licence holder on 12 November 2013.

Mr Melody had advised the Police that he agreed with many of the points raised in their letter, but could not agree with the Police in relation to some of their requirements in relation to SIA approved Door Supervisors and CCTV. Mr Melody had stated that he would not be making an application to amend the current premises licence to reflect this.

The Police Officer referred to a number of incidents at the Boars Head and provided a summary of incidents in 2013 which were considered of significance.

The Police Officer referred to a statement given by another Police Officer following an incident at the Boars Head on 19 June 2012 and summarised the comments

made by Mr Melody. The Police Officer referred to glasses being thrown into the Police Station's Yard and of dealings with Class "B" drugs.

At the request of the Legal Services Manager, Mr Forbes, Solicitor for Mr Melody, referred to the letter from the Police dated 12 November 2013 which set out a number of recommended conditions. Mr Forbes stated that Mr Melody supported conditions 1, 2, 3, 4, 5, 10, and 11, but was very concerned about the requirement to have four SIA approved Door Supervisors and to train staff to operate the CCTV system.

The Police Officer acknowledged that Mr Melody had a lot of experience in the licensing trade, including ownership of a pub in London. He commented that he supported local businesses and wanted to find a solution which the Police and Mr Melody could work with. He acknowledged that the former tenant, Mr Gray, was no longer responsible for the pub, adding that any future Designated Premises Supervisor would be in control of its day to day management and in enforcing the conditions now sought.

Mr Forbes sought clarification from the Police Officer of the Pub Watch Scheme locally and nationally. He stated that the Boars Head was the only pub in Bishop's Stortford which was required, as a condition of the licence, to be a member of the scheme. Mr Forbes stated that Mr Melody had not received any written rules nor was he ever supplied with an agenda for the Pub Watch meetings.

Mr Forbes referred to the national guidelines which requested that Pub Watch give, in writing, 14 days notification of any proposal to exclude a pub from the scheme. The Police Officer explained that membership of Pub Watch was not an issue and that it had not been included in the list of recommended conditions. In response to a query concerning the list of incidents at the Boars Head, the Police Officer stated that he did not wish

to refer back further than 2012.

In response to a query regarding CCTV concerning the speed at which information could be downloaded, the Police Officer stated that he would be happy if the information could be provided to the Police within a 24 hour period.

Mr Forbes referred to the requirement to have door supervisors, adding that, of the 11 premises in Bishop's Stortford, none had door supervisors prior to midnight and only 2 after midnight on a ratio of 1:50 customers.

Mr Forbes confirmed that the majority of the recommendations put forward by the Police were acceptable to Mr Melody but that the level of door supervisors remained in contention as this requirement would make the business uneconomical. A more minor issue related to the speed at which CCTV could be downloaded for use by the Police as this would require staff with a wider technical expertise to be on hand. It was suggested that this could be provided within 24 hours of a request.

Mr Forbes referred to Mr Melody's long experience as a publican, his wish to continue in Bishop's Stortford and the onerous licensing conditions imposed on the previous licence holders. Mr Forbes stated that the crux of the problem related to the number of door staff and that if a solution could not be found, then the Boars Head would remain closed.

Mr Forbes confirmed that Mr Melody had never complied with the conditions on the existing licence in relation to SIA Door Supervisors. He referred to some incidents detailed by the Police in their statements, adding that given the timing of the incidents, Door Supervisors would not have made a difference as they would not have been on duty. Additionally, the incidents had occurred when the tenant, Mr Gray, had been in control of the pub.

In response to a query by Councillor B Wrangles, Mr Forbes confirmed that any future tenant would also be the Designated Premises Supervisor who would be in control of the pub. He confirmed that the Boars Head was now involved with Pub Watch. The Police Officer confirmed that the recommended conditions would uphold the licensing objectives in terms of crime and disorder. He strongly opposed a reduction in the number of door staff.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this they returned, and the Chairman announced that the Sub-Committee had listened carefully to the evidence put forward by the Police and Mr Melody's Solicitor and noted that Mr Melody had agreed to the conditions set out on pages 61 - 63 of the report, specifically, paragraph numbers 1, 2, 3, 4, 5, 10 and 11 and these would be imposed as conditions.

With regard to CCTV, the Sub-Committee stated that they would accept a condition based on paragraph 3 of Mr Melody's statement that a person with expertise should attend within 24 hours to download information when required, for the Police.

With regard to the door supervisors requirement, the Sub-Committee had given this considerable thought and were very unhappy that the existing conditions had not been complied with. The Sub-Committee was prepared to vary the requirement of the existing conditions as follows:

- One door supervisor (SIA approved) to be provided Sunday to Wednesday from 8pm until closing; and
- Two door supervisors (SIA approved) to be provided Thursday to Saturday from 8pm until closing.

The Sub-Committee expected that Mr Melody would try to operate within the constraints of these conditions and that it was open to Mr Melody to apply to vary the conditions if he so wished at some time in the future.

RESOLVED – that for the reasons now detailed, (A) conditions 1, 2, 3, 4, 5, 10 and 11 as requested by the Police and set out on pages 61 – 63 of the report now submitted, be imposed as follows;

1. The licence holder will adhere to the Challenge 25 protocol, seeking identification from everyone who appears to be under 25, to prove that they are 18 years of age or older, prior to the sale of alcohol;
  - Acceptable identification is:
  - A passport with photograph
  - A photo driving licence
  - A proof of age card with the holders' photograph complying with the PASS approved identification scheme and bearing the PASS hologram.
2. A digital closed circuit television (CCTV) system to be installed which is compatible with the requirements of Hertfordshire Constabulary.
3. All entry and exit points must be covered to enable frontal identification of every person entering the premises in any light condition.
4. The CCTV system shall continually record whilst the premises is open for licensable activities and during time when customers remain on the premises.
5. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made

available immediately upon the request of Police or authorised officer throughout the proceeding 31 day period.

6. An incident log shall be kept at the premises, and made available on request to the Police or to an authorised officer, which shall record the following:
  - All crimes reported to the venue
  - All ejections of patrons
  - Any complaints received
  - Any incidents of disorder
  - All seizures of drugs or offensive weapons
  - Any faults in the CCTV system
  - Any refusals of the sale of alcohol
  - Any visit by the emergency services or a relevant authority
7. Customers are not allowed to remove polycarbonate containers, glasses or bottles from the premises at any time.
  - (B) a person with expertise to attend the premises within 24 hours, to download information when required by the Police;
  - (C) one door supervisor (SIA approved) be provided Sunday to Wednesday from 8pm until closing; and
  - (D) two door supervisors (SIA approved) be provided Thursday to Saturday from 8pm until closing.

The meeting closed at 12.05 pm

Chairman .....

Date .....

MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE HELD IN  
THE COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON FRIDAY 14 FEBRUARY  
2014, AT 10.00 AM

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PRESENT: Councillor Michael McMullen (Chairman)  
Councillors E Buckmaster and J Taylor

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
George Robertson	- Legal Services Manager
Oliver Rawlings	- Senior Specialist Licensing Officer

43 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Taylor and seconded by Councillor E Buckmaster that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

44 MINUTES – 6 JANUARY 2014

RESOLVED – that the Minutes of the meeting held on 6 January 2014 be confirmed as a correct record and signed by the Chairman.

45 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to

Section 100(A)(4) of the Local Government Act 1972 as amended, to exclude the press and public during consideration of the business referred to in Minute 46 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

46 CONSIDERATION OF WHETHER THE HOLDER OF A DUAL DRIVERS' LICENCE REMAINS A "FIT AND PROPER" PERSON

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The Chairman outlined the procedure to be followed. All those present were introduced.

The Senior Specialist Licensing Officer provided a summary of the information detailed in the report now submitted. Members were reminded that they should only be considering whether the taxi driver was a "fit and proper person" to hold a Dual Drivers' Licence based on the known facts and that the allegation in the report was a matter for the Police and the presumption of innocence until proven guilty.

Mr "B" stated that he was a "fit and proper person" and acknowledged the mistake he had made. He agreed that the comments in the Police Statement were correct but that there was provocation on the part of the passenger. Mr "B" stated that this was a lesson he would have to live with and would not allow it to happen again. He confirmed that he had only held a licence since November 2013 and provided a short summary of his career.

At the conclusion of the final representations, Mr "B" and the Senior Specialist Licensing Officer withdrew to allow the Sub-Committee to consider the evidence.

Following this the Senior Specialist Licensing Officer and Mr "B" returned and the Chairman announced that the Sub-Committee had carefully considered the evidence and were extremely concerned that Mr "B" had acted in the manner detailed in the report and that this constituted

unacceptable behaviour. The Sub-Committee therefore felt that Mr “B” was not a “fit and proper person” to hold a Dual Drivers’ Licence and that the licence be revoked with immediate effect.

RESOLVED – that for the reasons now detailed, the Dual Drivers’ Licence be revoked with immediate effect in the interest of public safety.

The meeting closed at 10.45 am

Chairman .....
Date .....

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## EAST HERTS COUNCIL

### LICENSING COMMITTEE – 13 MARCH 2014

#### REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

#### 6. REPORT ON LICENSING ACTIVITY – QUARTER 4 OF 2013

WARD(S) AFFECTED: ALL

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#### **Purpose/Summary of Report:**

To update Members on activity in the licensing department re:

- Processing licences,
- Enforcement activity, and
- Other implementation of the Service Plan.

<b><u>RECOMMENDATION FOR LICENSING COMMITTEE: that</u></b>
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<b>(A)</b>	<b>The report be received.</b>
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#### 1.0 Background

1.1 This report presents data by full quarters on processing and enforcement data, and Licensing Sub-Committee involvement, on licences, notices, and permits, and applications including.

- Alcohol, entertainment, and late night refreshment licences under the Licensing Act 2003,
- Gaming under the Gambling Act 2005,
- Taxi drivers, vehicle proprietors and operators.

1.2 This report also records developments in the service that implement the Service Plan.

#### 2.0 Report

2.1 See **Essential Reference Paper 'B'** for performance data for quarter 4 of 2013: 1 October – 31 December 2013. This contains the numbers of applications or notices received, and totals of current licences.

2.2 During this quarter the enforcement team have undertaken **240** actions which are divided between visits, inspections and investigations. These have been analysed further and are recorded as:



All complaints regarding taxis and premises have been fully investigated.

2.3 In respect of premises, the breaches of the licences have been addressed in accordance with our Licensing Enforcement Policy. Currently at the time of reporting there are 20 outstanding invoices. There have been 9 premises suspended due to non payment of fees.

2.4 A significant part of the enforcement team's work is to ensure that all documentation for taxi drivers and vehicles are current and licenses are valid. During this quarter 57 letters were produced.

2.5 Under the licensing points system a total of 178 points have been issued to 44 licence holders. Four drivers were required to attend sub committee following this enforcement action. This is continuing to contribute to improvements in drivers and proprietors behaviour.

2.6 In response to concerns raised at the last full Licensing Committee all Hertford and Ware licensed drivers were written to in November 2013 to advise them of action that was to be taken regarding parking on the pedestrianised part of Railway Street, Hertford. These letters were followed up by words of advice to drivers found parked in this location as part of a graduated approach to the issue. The issuing of Licensing Points as detail in the letter began in January 2014 so the results will be covered in the next quarterly report.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

Essential Reference Paper B – Data.

Contact Member: Councillor Malcolm Alexander – Executive Member for Community Safety and Environment.  
[malcolm.alexander@eastherts.gov.uk](mailto:malcolm.alexander@eastherts.gov.uk)

Contact Officer: Brian Simmonds – Head of Community Safety and Health Services, Extn: 1498.  
[brian.simmonds@eastherts.gov.uk](mailto:brian.simmonds@eastherts.gov.uk)

Report Author: Claire Mabbutt – Licensing Enforcement Officer, Extn: 1674.  
[claire.mabbutt@eastherts.gov.uk](mailto:claire.mabbutt@eastherts.gov.uk)

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS:

<p>Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):</p>	<p><b>People</b> This priority focuses on enhancing the quality of life, health and wellbeing, particularly for those who are vulnerable, and delivering strong services</p> <p><b>Place</b> This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p><b>Prosperity</b> This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
<p>Consultation:</p>	<p>For information only, and no partner or external consultation has taken place.</p>
<p>Legal:</p>	<p>No issues identified by report author or contact officer</p>
<p>Financial:</p>	<p>No issues identified by report author or contact officer</p>
<p>Human Resource:</p>	<p>No issues identified by report author or contact officer</p>
<p>Risk Management:</p>	<p>No issues identified by report author or contact officer</p>

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## ESSENTIAL REFERENCE PAPER 'B'

Q4 2013 – 01 October 2013 to 31 December 2013.

### Licensing Act 2003

<b>Premises Licence</b>	<b>Totals</b>
New	6
Variation	2
Minor Variation	5
Transfer of premises licence	7
Change of designated premises supervisor	10
Change of name and/or address	1
Cancelled/surrendered	5
Suspended	9
Other (Amendments, renewals etc)	9

<b>Club Premises Certificates</b>	<b>Totals</b>
New	0
Variation	0
Minor Variation	0
Transfer of premises licence	0
Change of designated premises supervisor	0
Change of name and/or address	0
Cancelled/surrendered	0
Suspended	0

<b>Personal Alcohol Licences</b>	<b>Totals</b>
New	27
Amendments (change of address etc)	19

<b>Temporary Event Notices</b>	<b>Totals</b>
TENs received	189
TENs withdrawn by premises user	5
Amended by premises user	0
Objections (Police or Environmental Health)	1

### GAMBLING ACT 2005

Club Machine Permits	0
Small Society Lotteries – New and Renewal	28
Other (fast track, amendment to permit etc)	0
Betting Premises Licence	0
Licensed Premises Gaming Machine Permit	3
Notification of Gaming Machines	4

### TAXIS

<b>New Dual Drivers</b>	8
Renewed Dual Drivers	77
Other (amendment to existing driver records etc)	9

<b>New Private Hire Drivers</b>	6
Renewed Private Hire Drivers	10
Cancelled/Surrendered/Lapsed	3
Other (amendment to existing driver records etc)	11

<b>New Private Hire Operators</b>	1
Renewed Private Hire Operators	7
Cancelled/Surrendered/Lapsed	0
Other (amendment, reissue of documents etc)	2

<b>New Hackney Carriage Vehicles</b>	10
Renewed Hackney Carriage Vehicles	52
Cancelled/Surrendered	6
Change of vehicle	21
Other (amendment, reissue of plate etc)	10

<b>New Private Hire Vehicles</b>	8
Renewed Private Hire Vehicles	22
Cancelled/Surrendered/Lapsed	7
Change of vehicle	4
Other (amendment, reissue of plate etc)	18

**TOTAL NUMBERS OF LICENSING SUB-COMMITTEE HEARINGS  
BETWEEN 01 OCTOBER 2013 and 31 DECEMBER 2013**

Licensing Act 2003 - 1 new premises licence, 1 variation of premises licence	2
Gambling Act 2005 – Licensed Premises Gaming Machine Permit	1
Taxi – 3 applicants with convictions, 2 drivers for accumulation of 12 or more licensing points	5

<b>TOTAL NUMBERS OF LICENCES</b>	<b>30 Sept 2013</b>	<b>31 Dec 2013</b>	<b>+/- on last quarter</b>
Premises Licences	491	493	+2
Club Premises Certificates	40	40	0
Personal Licences	1412	1436	+24
Dual Driver	298	296	-2
Hackney Carriage Vehicles	250	254	+4
Private Hire Drivers	53	51	-2
Private Hire Vehicles	46	46	0
Private Hire Operators	23	24	+1

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## EAST HERTS COUNCIL

### LICENSING COMMITTEE – 13 MARCH 2014

#### REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

#### 7. CONSIDERATION OF AN APPROACH FROM THE PUBLIC FUNDRAISING ASSOCIATION (PFRA) REGARDING POSSIBLE SITE MANAGEMENT AGREEMENTS (SMA)

WARD(S) AFFECTED: ALL

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#### **Purpose/Summary of Report:**

- To examine the possible benefits to negotiating Site Management Agreements for Hertford, Ware and Bishop's Stortford for direct debit face-to-face collections.

<b><u>RECOMMENDATION FOR LICENSING COMMITTEE:</u></b> that	
<b>(A)</b>	<b>Officers engage with the PFRA to draft appropriate SMA's to be bought back to Licensing Committee for approval.</b>

#### 1.0 Background

1.1 There are currently two types of face-to-face fundraising collections that take place on the streets of East Herts. The first is the Street Collection of cash (or property) which is regulated under the Police, Factories, etc (Miscellaneous Provisions) Act 1916. Street Collection permits are issued by the District Council and the purpose of the Regulations made under the Act, is to ensure that collections are controlled to prevent harassment to the public and to ensure the allocation of funds are monitored.

1.2 The second type of face-to-face collection is the various forms of direct debit collection. This type of street collection is not regulated by the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as it does not fall within the definition of 'cash or property' and is therefore largely unregulated.

1.3 East Herts current policy is to allow one cash (or property) collection per day in a particular location, with a maximum of six collectors. However this only restricts collections for cash and property and not direct debit collections. When contacted by a

fundraiser regarding a direct debit collection they are asked to comply with the same guidelines as the cash (or property) collectors but there is no sanction available to the local authority should they choose to disregard the request.

- 1.4 As a result of this lack of authority to regulate direct debit collections a number of issues have arisen to various degrees. On occasions direct debit collectors have arrived unannounced to locations in East Herts. This has generated complaints from the public, shop owners and other fundraisers (both cash and direct debit collectors) but enforcement have no powers to regulate this. The knock on effect of this is a perception from the public that an area is swamped with collectors and as a result the authorised fundraisers often receive fewer donations.
- 1.5 The Public Fundraising Association (PFRA) is the charity-led membership body that self-regulates all forms of direct debit face-to-face fundraising. They have approached East Herts in the hope of securing a Site Management Agreement (SMA).

## 2.0 Report

- 2.1 The Public Fundraising Regulatory Association is the charity-led self-regulatory membership body for all types of face-to-face fundraising (F2F), with both charity and fundraising agency members, comprising about 95 per cent of the organisations currently involved in all types of F2F activity.
- 2.2 **Essential Reference Paper 'B'** is the January 2014 briefing document produced by the PFRA and covers 5 topics:

- i) Who the PFRA are
- ii) How they are funded
- iii) What site management agreements do
- iv) What self-regulation includes
- v) How the PFRA can help a local authority

The main benefits to SMA's are:

- Details the location of fundraising sites.
- Details the hours and days when fundraising can take place.
- Controls the number of fundraisers and charities present.
- Clearly identifies team leaders to the council and public.
- Can exclude dates for specific events.

- Monitoring of activity is shared by the PFRA and council to maximise resource.
  - Action and sanctions can be taken if specific charities breach terms in the voluntary agreement.
- 2.3 Although the PFRA do not charge for organising a SMA there is a cost implication in officer time with site visits etc with a PFRA representative to discuss locations etc. It is envisaged that the cost of this officer time will be recovered through the time saved dealing with direct debt fundraisers and the complaints they occasionally generate.
- 2.4 If Members would like Officers to pursue SMA's then the process is likely to be as follows:
- i) Site visits arranged with PFRA representatives with discussions regarding locations, numbers of collectors, days of the week etc.
  - ii) PFRA drafts a Site Management Agreement in consultation with their membership
  - iii) Licensing Committee approves the SMA and it comes into effect or suggests amendments which are passed to the PFRA, if agreed then SMA comes into force. Once signed there is likely to be an 8 week lead in time.
- 2.5 A template SMA is attached at **Essential Reference Paper 'C'** for Members reference. In section 6 'Working together' it states that if we sign up to an SMA we will agree 'to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Fundraising Practice, and facts about Direct Debit'. Officers do not see this as a being a time consuming task and it can be fulfilled by updating our website and the information we provide.
- 2.6 Section 6 of the template also details the review process for the SMA. The first review takes place after 6 months and then once every 12 months or sooner if deemed necessary. Amendments to the can be made but must be agreed in writing between the Council and the PFRA before they become effective. Either party can withdraw from the agreement by giving 3 months' notice in writing.
- 2.7 Attached as **Essential Reference Paper 'D'** is the PFRA Street Rule Book which all members of the PFRA are required to abide by. These rules reference the 'Code of Fundraising Practice'

issued by the Institute of Fundraising but also presents additional rules that will be binding on members. These are grouped into three categories:

- Conduct of fundraisers
- Operation of the fundraising process
- Administrative rules in regards to PFRA procedures

2.8 The rule book details the penalties and sanctions that members may face if they, or a contractor working on their behalf, break the rules.

2.9 Currently the route open to the Council and the public for complaining about the conduct of a face-to-face direct debit fundraiser is:

- Contact the charity directly.
- If the response is unsatisfactory then contact the Fundraising Standards Board or the Advertising Standards Board (depending on the nature of the issue).
- For the most serious concerns the Charity Commission should be contacted.

As 95% of the face-to-face direct debit fundraisers are members of the PFRA the penalties and sanctions detailed in the rule book would be likely to offer a swifter resolution to complaints than was previously possible.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None.

Contact Member: Councillor Malcolm Alexander – Executive Member for Community Safety and Environment.  
[malcolm.alexander@eastherts.gov.uk](mailto:malcolm.alexander@eastherts.gov.uk)

Contact Officer: Brian Simmonds – Head of Community Safety and Health Services, Extn: 1498.  
[brian.simmonds@eastherts.gov.uk](mailto:brian.simmonds@eastherts.gov.uk)

Report Author: Oliver Rawlings – Senior Specialist Licensing

Officer, Extn: 1629.

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS:

Contribution to the Council's Corporate Priorities/ Objectives	<b>People</b> This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	The report is for discussion, and no consultation has taken place.
Legal:	The report gives details of the possible benefits of entering site management agreements with the PFRA to regulate face-to-face direct debit collectors. There are no legal implications identified.
Financial:	None
Human Resource:	None
Risk Management:	None

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# The work of the PFRA

In 2011/12, Public Fundraising Regulatory Association (PFRA) members recruited approximately 240,000 new donors on UK high streets. Donors recruited this way give around £45 million a year to charities and good causes.

## **Who are we?**

We are the nationally recognised self-regulator for face-to-face (F2F) fundraising activity in the UK, putting good regulation at the heart of our work. Our aim is to promote responsible F2F fundraising practices in the solicitation of committed gifts conducted in public spaces by charities and good causes. To do this we work in partnership with councils including licensing teams and town centre managers, as well as business improvement districts. The PFRA's self-regulatory offer is delivered **free** to councils through our Site Management Agreements (SMAs).

## **How are we funded?**

We are funded through annual membership fees from charities, professional fundraising organisations, as well as associate members. However, the majority of our funding comes through a levy paid by our charity members, who contribute 75p for each donor they recruit through F2F fundraising. This helps to ensure we are a charity-led organisation. We also levy a charge to charities conducting 'prospecting' – collecting potential donors' contact details so they can be asked to give on a later date.

## **What do Site Management Agreements (SMAs) do?**

Our SMAs are voluntary agreements between us and councils (or town centre managers, business improvement districts, etc.) allowing us to effectively regulate F2F fundraising in the local area. Research by the LGA found that 78% of responding councils with a voluntary agreement in place had found it an effective way of managing collections.<sup>1</sup>

- SMAs are negotiated with councils to balance the duty of charities to ask for donations with local needs. They define the terms and conditions for F2F fundraising occurring on the public highways in council areas, including where fundraisers can work, what days and how many etc. These agreements allow for local preferences within a simple framework, guided by section 60 of the 2006 Charities Act.

<sup>1</sup> [http://www.local.gov.uk/c/journal/view\\_article\\_content?groupId=10171&articleId=3585080&version=1.5](http://www.local.gov.uk/c/journal/view_article_content?groupId=10171&articleId=3585080&version=1.5)

- We work closely with our council partners to monitor and enforce these agreements, the Institute of Fundraising's Code of Fundraising Practice, our own rules, and issue penalties and sanctions to members who breach agreed standards. The penalty points accrued by our members are then turned into a monetary fine once organisations have passed a threshold.

### **What else does self-regulation include?**

Alongside this we have a wider model of self-regulation which includes:

- Accrediting our members to ensure they have adequate systems in place to enable them to comply with best practice, and undertake non-financial audits to confirm systems and processes (including observing the training of fundraisers). All fundraising organisations that do F2F fundraising are members of ours.
- Policing and promoting the Institute of Fundraising's Code of Fundraising Practice, which is the benchmark for best practice standards. We have developed Rule Books for both street and doorstep F2F activity introducing a range of detailed rules (which complement the Code of Fundraising Practice) that allow us to issue penalties and sanctions against any of our members who breach the rules and fail to meet agreed standards of behaviour.
- Ensuring that complaints are managed and resolved, often live.
- Allocating fundraising spaces fairly to all members, big and small, according to the conditions agreed with local authorities, managing diaries and reporting them to councils, reducing the burden of having to field phone calls from charities and agencies who want to fundraise in your area.
- Running a programme of mystery shopping across the UK, which we have increased this year. Every month our professional mystery shoppers aim to assess 50 street fundraising teams. In addition, our own compliance staff undertake spot-checks of our members' activities to monitor and raise professional standards.

### **How can we help you?**

Site Management Agreements and our wider regulation work means that you will:

- Get a free, effective and locally tailored solution to resolve issues with street fundraising.
- Have more control over the numbers of fundraisers within your local area, as well as where and when they operate.
- Get sent a diary every four weeks detailing who is coming to your area and when.
- Only have to deal with one organisation to resolve any complaints – which can be dealt with live.
- Have the assurance of support from our standards and compliance team as well as a set of rules which provide the standards for you to police best practice and work with us to rectify rule breaches.
- Continue to help charities support their beneficiaries.

### **Who to contact for more information**

Please contact Compliance and Outreach Officer, Tom Rosenfeld ([tom@pfra.org.uk](mailto:tom@pfra.org.uk)) for more information.

Our website address is: [www.pfra.org.uk](http://www.pfra.org.uk)



# Site Management Agreement

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Between PFRA and [insert] Council

# 1 Purpose

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The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in [insert name city/town](#) centre and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

## 2 Statement of Conformity

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All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Code of Fundraising Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

If local authority officers note fundraisers contravening the PFRA's Rule Book or any local clause within the SMA, they will inform the PFRA's Head of Standards by contacting them on 020 7401 8452, providing details of the incident.

## 3 Access Details

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### 3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

[\[Example](#)

#### [High St:](#)

[Pedestrianised area of High St between X St and Y St](#)

[Capacity: maximum of 6 fundraisers](#)

[Positioning: fundraisers to be spread out along the length of the site](#)

[Frequency: Tuesdays, Thursdays and Saturdays](#)

#### [Street Two:](#)

[Between X Rd and Y Rd](#)

[Capacity: maximum of 6 fundraisers](#)

[Positioning: fundraisers to be spread out along the length of the site](#)

[Frequency: Mondays, Wednesdays, and Fridays](#)

#### [Street Three:](#)

[This area is a contingency site, only to be used in exceptional circumstances, with prior consent, for example, if one of the usual sites is unavailable for some reason.\]](#)

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present on any one site on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g specific event days) are to be announced by the Council to the PFRA to be booked into the PFRA's diary management system, giving a minimum of 4 weeks' notice to the PFRA from date of diary delivery.

### **3.2 Other Conditions**

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. street traders, Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

## **4 Information Required**

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### **4.1 Nominated Gatekeeper**

The nominated gatekeeper for [insert name](#) Council is [insert contact](#) and [his/her](#) contact details are [insert](#). In [his/her](#) absence all enquiries should be made to [secondary email](#) or [secondary telephone number](#).

### **4.2 Required Information**

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

[\[Example](#)

[Name, Licensing Manager, Insert Name Council](#)

[email:](#)

[Name, Licensing Officer, Insert Name Council](#)

[email:](#)

[Name, Town Centre Manager](#)

[email: ...\]](#)

These contact details shall be updated as and when necessary.

### **4.3 Transition and continuity**

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship

with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.

## 5 Complaint Management

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PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Standards Board ([FRSB](#)).

## 6 Working Together

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[Insert name](#) Council agrees to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Fundraising Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the Code of Fundraising Practice, PFRA Rules, and Site Management Agreements. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA will be reviewed 6 months after it is signed, and then once every 12 months, if necessary, or earlier if there is just cause to do so. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

---

Print name:

---

Job title:

---

Date:

---

Signed For and On Behalf Of [Insert Council](#):

---

Print name:

---

Job title:

---

Date:

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## Appendix 1 - Map(s)

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Plan showing the area(s) where fundraising is to be permitted:

[[insert map](#)]

## Appendix 2 - Direct Debit Guarantee

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### Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

### The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
  - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

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Public Fundraising *Regulatory* Association

ESSENTIAL REFERENCE PAPER D

May 2013

Policy and Standards

# PFRA Rule Book

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## Street face-to-face fundraising

Prepared by: **Standards and Policy Departments**

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# How to use the PFRA Rule Book

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## 1.1 PFRA Rule Book and the IoF Code of Fundraising Practice

The Public Collections section of the Institute of Fundraising's *Code of Fundraising Practice* details the required and recommended best practice for all fundraisers. The Fundraising Standards Board (FRSB) will adjudicate any complaint against the Code. Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Standards Board.

While this *Rule Book* interprets aspects of the *Code* and presents additional rules that go beyond the *Code* that are binding on PFRA members, the final arbiter of breaches of the *Code* is the FRSB. So, while we have provided guidance on, for example, 'immediate termination', it is always possible that, should a complaint require FRSB adjudication, this adjudication might disagree with the PFRA guidance.

The purpose of this *Rule Book* is to provide PFRA interpretation of the terminology contained in the *Code* and codify our own rules that are binding on PFRA members.

This *Rule Book* should always be read in conjunction with the *Code*: It does NOT replace the *Code* and fundraisers will not be able to gain a full understanding of their responsibilities from reading the *Rule Book* alone. PFRA members must be fully cognisant with the *Code of Fundraising Practice*.

This rule book contains three types of rules. First, there are those that arise directly out of our interpretation of relevant parts of the Code. Second, there are 'additional rules' that are specific to the PFRA and its members that are not contained in the Code. Finally, there are 'administrative rules' – relating to the PFRA's diary allocations systems and other logistical issues.

These are grouped into three categories of rules that pertain to:

- Conduct Rules, relating to the conduct of fundraisers (prefixed C, e.g. C1, C2)
- Operating Rules, relating to the operation of the fundraising process (prefixed O, e.g. O1, O2)
- Administrative rules, relating to various PFRA procedures (prefixed A, e.g. A1, A2)

Throughout this *Rule Book*, the PFRA adopts the same traffic light system adopted by the Institute of Fundraising in its *Code of Fundraising Practice*:

**MUST** denotes a requirement that is mandatory at law

**OUGHT** denotes a requirement that is mandatory for PFRA members and their subcontractors

**SHOULD** denotes a course of action that is recommended best practice.

## 1.2 Penalties and sanctions regime

The PFRA Rule Book will be enforced through a regime of penalties and sanctions, designed in order to encourage best practice and raise standards within face-to-face fundraising.

Employers or contractors of fundraisers will accrue penalty points as rules are broken. Where the employer or contractor is not a User member the User member being represented when rules are broken will be notified of the points accrued.

20 point penalty – for a discretion that is considered minor.

50 point penalty – for a discretion that is considered major.

100 point penalty – for a discretion that undermines the PFRA's regulatory regime or causes severe public distress or anxiety.

In addition, penalty points will be multiplied for repeat violations of the same rule. In any given period, every third repeat infringement will incur a penalty which is twice the normal sum. In a case where a fundraiser has made multiple rule transgressions, each of a different severity during one observation by any of the nominated persons set out below, each breach will be included as a separate transgression.

Where possible and practical members will be informed “live” of additions to their points record to aid compliance.

**Penalty points will only be issued by the PFRA, in consultation, where applicable, with the following nominated persons:**

- **PFRA staff**
- **Contracted mystery shoppers**
- **Officers from local authorities, town centre management and business improvement districts where there is a site management agreement in place**
- **Or where otherwise substantiated.**

To impose penalties the PFRA will use the civil standard of proof (i.e. on a balance of probabilities, or “more probable than not”).

Each point accrued has an equivalent value of £1. A monetary bill will only be issued when an organisation’s annual points total exceeds 1000 points.

Members that accrue penalty points will receive points-statements for each period (where the member is a provider the relevant points-statement will also be copied to the user represented when the points were accrued). Where the 1000-point threshold is breached the points-statement will be replaced by an invoice for those points and any further points accumulated each period.

Members, therefore, have the opportunity every period to consider operational changes to avoid continuing to accumulate points.

At the end of each financial year (31 March) and when their balance for those who have accrued more than 1000 points is cleared, all members’ points will return to zero.

Should a member accrue a yearly total that is less than the 1000 point threshold, their points total will be erased without any payment being required.

### **1.3 Appeals Process**

Appeals will be heard by:

1. PFRA head of standards. If s/he is unable to resolve the appeal, it will be heard at the next scheduled meeting of the
2. Standards and Practices committee. If the appealing member remains unsatisfied, the appeal will be considered by
3. the independent chair of the PFRA’s board of directors, whose decision will be final.

A deposit of 25% of the cost of the penalty is required to make an appeal to cover the administrative costs of processing the appeal. In the event that:

- an appeal is instigated without a deposit being received, the appeal will be deemed to be abandoned.
- the penalty is upheld, the deposit is forfeit.
- the appeal is upheld, the deposit is returned

Appeals MUST be made within one calendar month of the penalty points being issued. This will help facilitate any information gathering and ensure that appeals are made in a timely manner.

#### **1.4 PFRA *Rule Book* and legal requirements**

Obviously, all members must comply with any legal requirements (including employment law), whether they are included in the IoF's *Code of Fundraising Practice* or not.

This stipulation includes, but is not limited to:

- Requirement not to collect cash without a license to do so (Police, Factories Etc (Miscellaneous Provisions Act 1916)
- Appropriate care and protection of confidential data (various data protection acts).

Breaches of legal requirements that already carry legal sanctions, have no further PFRA sanction included in the *Rule Book*.

# Glossary

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## Approach

The PFRA defines “approach” as attempting to engage with a member of the public with the intention of soliciting Direct Debit donations or contact details.

## “Bringing into disrepute”

The PFRA understands “disrepute” to mean: loss or lack of reputation. The PFRA understands “bringing into disrepute” to mean ‘conduct unbecoming’: i.e. conduct on the part of a fundraiser while on duty that is contrary to the interests of the public served by that person<sup>1</sup>, or that harms the standing of the fundraising profession or the commissioning charity in the eyes of the public. Examples include (but are not limited to):

- smoking and/or drinking alcohol in branded clothing
- being inappropriately dressed
- taking or being under the influence of illegal drugs
- lewd or aggressive behaviour
- exploiting their position for personal gain (for instance soliciting a job offer, propositioning someone for a date, or seeking a discount on a good or service).

## Charity

In this document ‘charity’ is used as shorthand for any registered charity, not-for-profit organisation, or other ‘good cause’ that fundraises.

## “Deliberately”

The PFRA understands “deliberately” to mean considered, studied or intentional, as opposed to accidental, or caused by the actions of others over which the fundraiser has no control (e.g. a street trader deliberately moving their stall towards the team thus reducing their operating space, for instance).

## Fundraiser

By ‘fundraiser’ the PFRA means an individual who works to raise money or collect details of members of the public (‘prospects’) for a charity.

## “Obstruct”

“Obstruction” is a technical and legal term relating to an offence under the *Highways Act 1980* that causes the “permanent or temporary removal of the whole or part of the highway from public use”. As fundraisers are mobile, there is little chance that they would meet this definition and we do not infer this intended use in the code. However, the code is clear that fundraisers should not impede the motion or progress of pedestrians or passersby. The PFRA therefore interprets ‘obstruction’ as any deliberate action that causes a person to:

- involuntarily stop
- suddenly change direction in order to get past the fundraiser and continue their journey.

Obstruction does not apply to people who choose to alter their direction of travel (by crossing the road, for instance) so as not to engage with a fundraiser.

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<sup>1</sup> Used here in both the individual and the legal (corporate) sense.

## On duty

Throughout this document, PFRA uses the phrase 'on duty'. We take this to mean any occasion in which an individual is identifiable as working – e.g. any time a fundraiser appears to be working for/representing a charity, through wearing branded clothing, proclaiming they work for a specific charity or any other means that identifies them as a charity representative. Fundraisers can, therefore, be guilty of bringing their charity into disrepute outside of normal working hours, and at times when they are not actually working as a fundraiser, if they fulfil any criteria that identify them as charity representatives.

## Prospecting

'Prospecting' is an activity similar to fundraising but where only the contact details of members of the public are collected, for subsequent contact by the charity, rather than the bank details necessary to set up a Direct Debit mandate (or similar committed gift). Prospecting and prospectors are included where this document refers to fundraising or fundraisers.

## Provider

By 'provider' the PFRA means the organisation that provides the fundraising service. This includes professional fundraising organisations (PFOs) as well as charities that employ their own staff as fundraisers ('in-house' operations). Where the code refers to 'project managers', the PFRA takes this to refer to staff employed by providers.

## Solicitation Statements

At the point a donor agrees to make a donation, F2F fundraisers MUST make a 'solicitation statement' (also known as 'disclosure') – a declaration of the fee the company they work for will be paid and how this was worked out, verbally or in writing.

A disclosure statement MUST be made for any kind of financial ask through any medium – such as, but not limited to, Direct Debits, SMS, QR Code, credit cards and near field communication (NFC, contactless card payments).

Fundraisers working for a provider MUST also disclose the 'notifiable amount': the actual amount that is being paid to the fundraising company for carrying out this particular piece of fundraising (or best estimate if the actual figure is not known), as accurately as possible.

Examples of solicitation statements that comply with the requirements of the Charities Act 2006 are:

*I work for fundraising company x and we are working for the benefit of charity y. My organisation is being paid £w to recruit supporters like yourself to make regular donations to charity y. This fee was determined in the following way [method z].*

Or

*I work for fundraising company x on behalf of charity y. We expect to be paid £w in connection with this particular appeal, and the method used to determine our payment was [method z].*

Fundraisers employed directly by a charity are not required to disclose the notifiable amount.

## **The required accuracy of ‘Contextualising Information’ offered in connection with Solicitation (‘Disclosure’) Statements**

While the law clearly states that required information (such as the “notifiable amount”) **MUST** be “as accurate as possible”, it is technically silent on any additional contextualising information that fundraising organisations may choose to offer donors.

It is the view of the PFRA that if additional information is to be offered at the **same time** and in the same context as the legally-required information, it **OUGHT** to be of the same quality – that is, it should be as accurate as possible. Therefore, if users or providers wish to make reference to total net income, anticipated returns on investment, etc., they **OUGHT** to have regard to all the relevant factors of which a competent operator (and/or member of the PFRA) ought to be aware – such as, but not limited to, attrition, VAT, lifetime value estimates, upgrades etc.

### **Subcontractor**

A company undertaking work according to a secondary contract agreed with the main contractor.

### **Team Leader**

The team leader is the person within the fundraising organisation who has immediate and on-site supervision of the activity (e.g. manages the team, ensures sites are appropriately and safely used, ensures appropriate conduct of fundraisers/agents and understands the charities complaints process). Alternatively, the team leader can be the person within the Provider or the fundraising organisation who supervises the activity for door-to-door but may not be on site. The team leader might not always be actively fundraising.

### **User**

By ‘user’ the PFRA means the charity that is using a fundraising service. A charity that does its own fundraising ‘in-house’ is, therefore, both a ‘user’ and a ‘provider’.

Where the code refers to ‘campaign managers’, PFRA takes this to refer to staff employed by users.

# Conduct Rules

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## **RULE C1: Best Behaviour**

While on duty, fundraisers **OUGHT** not behave:

- in any way that might reasonably cause members of the public to be or become excessively startled or anxious
- in any way that might reasonably cause other passersby in the immediate vicinity to be or become excessively startled or anxious
- dishonestly, manipulatively or deliberately use guilt
- in any other way that a reasonable person might judge brings the charity they are representing into disrepute<sup>2</sup>.

### **Sanction**

The penalty imposed for breach of this rule is 100 points per incident.

## **RULE C2: Deliberate Obstruction**

While on duty, fundraisers **OUGHT** not deliberately obstruct members of the public.

### **Sanction**

The penalty imposed for “deliberate obstruction” is 100 points per incident.

## **RULE C3: Immediate Termination**

If a person clearly and obviously indicates – by words or gestures – that they do not wish to be engaged by a fundraiser – either at the initial approach or during a conversation/engagement – the fundraiser **OUGHT** to desist from the engagement and make no further attempt to engage that person.

### **Sanction**

The penalty imposed for breach of this rule is 100 points per incident.

## **RULE C4: Managing Vulnerability**

No fundraiser **OUGHT** knowingly sign up any person under 18 years of age, except with the expressed and demonstrable consent of a parent, guardian or carer physically present at the time. (The code of practice (s5.3.1) says fundraisers should employ “all best efforts” not to sign up anyone under 18. This PFRA rule therefore strengthens that prohibition.)

No agent or fundraiser **OUGHT** knowingly sign up any person at any time who they reasonably conclude is or may be incapable of informed consent for any reason (including but not exhaustively):

- intoxication through drugs or alcohol
- incapacity due to illness or disability
- age-related confusion (except with the expressed consent of a close relative, guardian or carer physically present at the time)
- learning difficulties (except with the expressed consent of a close relative, guardian or carer physically present at the time)
- language competence

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<sup>2</sup> For the purposes of this rule the mere presence of a fundraiser or fundraisers in a location, operating in all other respects in accordance with the code and any other relevant regulations, cannot be construed as ‘bringing into disrepute’.

- any other circumstance where capacity is in doubt

**Sanction**

The penalty imposed for breach of this rule is 100 points per incident.

**RULE C5: The ‘Three-Step’ Rule**

Once an approach has been made to a member of the public a fundraiser **OUGHT** not take more than three steps alongside or in pursuance of that member of the public, even when asked to do so.

In no case **OUGHT** any of these ‘three steps’ involve fundraisers deliberately placing themselves directly in the path of a member of the public in such a way that they or any casual observer may reasonably construe ‘obstruction’ (see Rule C2).

If the member of the public has not come to a halt within the three number of steps allowed for, the attempted engagement **OUGHT** to be discontinued.

**Sanction**

The penalty imposed for breach of this rule is 50 points per fundraiser per incident.

**RULE C6: Members of the public who are ‘on duty’**

Fundraisers **OUGHT** not intentionally approach members of the public who are ‘on duty’ and going about their business, such as: uniformed officials, tour guides, street vendors, carers, teachers, etc.

**Sanction**

The penalty imposed for breach of this rule is 20 points per incident.

**RULE C7: Seated members of the public**

Fundraisers **OUGHT** not approach members of the public who are seated on street furniture or are seated in the outdoor seating area of a private business.

**Sanction**

The penalty imposed for breach of this rule is 20 points per incident.

**RULE C8: Proximity to street features**

No fundraiser **OUGHT** position themselves within 3 metres of a:

- shop doorway
- pedestrian crossing
- cashpoint machine
- station entrance
- street traders

This rule also includes fundraisers not working or positioning themselves near other legitimate users of the public highway including:

- members of the public in queues e.g for tourist attractions, tour guide groups, bus queues etc
- big issue and newspaper sellers
- buskers

**Sanction**

The penalty imposed for breach of this rule is 50 points per fundraiser per incident.

## **RULE C9: Unattended bags**

Bags **OUGHT** not be left unattended on the public highway, a team member **OUGHT** always remain within 3 metres and line-of-sight of a 'team bag' (where one is used).

PFRA members **SHOULD** provide identification for the team bag where practical to do so.

### ***Sanction***

The penalty imposed for breach of this rule is 100 points per incident.

## **RULE C10: Solicitation Statements**

Fundraisers **MUST** make legally compliant solicitation statements. (See also **Rule O1**.)

### ***Sanction***

The penalty imposed for breach of this rule is 100 points per incident.

### **Disclosures where they not legally required (Prospecting, etc)**

It is best practice to give members of the public sufficient information about relevant costs and returns to allow them to make an informed decision including the fundraiser's paid status. Prospecting and conventional F2F are largely indistinguishable to the casual observer, who, possibly having received a formal disclosure in another interaction, may well be wary or suspicious if they do not receive one.

## **RULE C10a: Accuracy of Contextualising Information**

If additional information is to be offered at the same time and/or in the same context as the legally-required solicitation statement, it **OUGHT** to be of the same quality – i.e. as accurate as possible.

### ***Sanction***

The penalty imposed for breach of this rule is 20 points per incident.

## **RULE C11: Committed Giving**

No fundraiser **OUGHT** to proactively suggest to any member of the public that the engagement they are attempting to initiate is 'without commitment'. By definition all engagements covered by the code are ultimately 'about long-term commitment' and to suggest otherwise would be a contravention of the FRSB Fundraising Promise.

### ***Sanction***

The penalty imposed for breach of this rule is 50 points per incident.

## **RULE C12: Financial Ask Transparency**

No fundraiser **OUGHT** to suggest to any member of the public that the engagement they are attempting to initiate is "not about money". Similarly they should not claim to not be fundraising and should clearly explain the next steps in the donor journey e.g. follow up communication with the donor. By definition all engagements covered by the F2F Code are likely to be ultimately 'about money', and to suggest otherwise would be a contravention of the FRSB Fundraising Promise.

### ***Sanction***

The penalty imposed for breach of this rule is 50 points per incident.

## **RULE C13: Distance Visibility**

An ordinary member of the public should be able to clearly identify a person as a fundraiser working on behalf of a charity from a distance of 5 metres.

Charitable branding **OUGHT** to be visible and identifiable, both front and back.

Branded clothing **OUGHT** not be tied around waists or covered by unbranded clothing or other property, or in any other way be obscured.

Branded clothing **OUGHT** to be clean and in good condition to facilitate legibility and brand integrity.

**Sanction**

The penalty imposed for breach of this rule is 50 points per fundraiser per day.

**RULE C14: I.D. Visibility**

ID badges **MUST** comply with applicable law. A member of the public should be able to clearly verify the identity of a fundraiser, whom they are working for (the user and, if applicable, provider) and contact details for the project and/or campaign manager(s), upon inspection of the fundraiser's ID.

In order to facilitate this, ID **OUGHT** to:

- be in the form of a badge secured about the upper front part of the fundraiser's torso by clip, chain, or lanyard
- be of not less than credit-card size
- be signed or in some other way authorised (embossing seal etc) by the employing provider and/or commissioning user
- carry a contact phone number via which a member of the public can verify the *bona fides* of the fundraiser at any time the fundraiser is on duty
- be robust enough to withstand normal wear and tear and exposure to the elements in the context of outdoor work in busy situations/circumstances

In addition, ID **SHOULD** conform to best practice guidance on producing print materials for visually impaired people.

**Sanction**

The penalty imposed for breach of this rule is 50 points per fundraiser per day.

**RULE C15: Team Leader Visibility**

Team Leaders must be present and easily identifiable to a member of the public in any given fundraising team, so that they can ask a question or make a comment or complaint. To this end the team leader **OUGHT** to wear a PFRA-approved form of additional visual identification (e.g. a PFRA badge) on the upper front part of the Team Leader's torso. This should be worn at all times while on duty, whether or not actively 'fundraising'. If at any point the Team Leader needs to leave the fundraising site they will not give the Team Leader badge to another member of the team unless they are also a Team Leader.

**Sanction**

The penalty imposed for breach of this rule is 20 points per team per day.

# Operating Rules

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## **RULE 01: Solicitation Statement Compliance**

Before commencement of a new campaign, members **OUGHT** submit their planned solicitation statement (including the notifiable amount, where required) to the PFRA to have its compliance reviewed and confirmed.

### ***Sanction***

The penalty imposed for failing to submit a solicitation statement for review is 100 points per campaign.

## **RULE 02: Confirmed Access**

Where a PFRA agreement is in place fundraisers **OUGHT** always comply with its conditions scrupulously and without reservation or deviation.

In any location where a PFRA agreement is not yet in place fundraisers **OUGHT** to make the fullest possible efforts to observe the relevant section of the Code, in which, for the purposes of PFRA members, all “**SHOULD**S” are to be read as “**OUGHT**S”. In other words, PFRA is making mandatory for PFRA members the relevant parts of the Code that the IoF regards as recommended best practice only.

This rule applies equally to all forms of face-to-face activity including prospecting.

### ***Sanction***

The penalty imposed for deploying more fundraisers than the site conditions allow for is 100 points per additional fundraiser per day.

The penalty imposed for fundraisers working outside the site delineation is 100 points per team per incident.

The penalty imposed for a team being positioned in an area that is not a delineated site, which is within an area covered by a PFRA agreement, is 100 points per team per day.

## **RULE 03: Site Management agreements**

Fundraisers **OUGHT** to adhere to any local conditions contained within a Site Management Agreement that are not included under the Rule Book. Examples of these conditions could include, but are not limited to:

- cities that do not allow bags
- carrying check lists and briefings

### ***Sanction***

The penalty imposed for breach of this rule is 50 points per team per day.

## **RULE 04: Standard Operating Hours**

No form of initial F2F activity **OUGHT** normally commence before 9am Monday-Saturday or 10am Sunday and public holidays, or after 7pm, any day or date; or as otherwise provided for in a PFRA agreement.

### ***Sanction***

The penalty imposed for breach of this rule is 50 points per team per day.

## **RULE 05: Understanding site use conditions**

To ensure that fundraisers understand and adhere to the SMA and are able to comply with any conditions associated with the site they are deployed to work on (such as delineations etc), Team Leaders **OUGHT** to carry information regarding site use conditions where relevant.

### **Sanction**

The penalty imposed for breach of this rule is 20 points per team per day.

## **RULE 06: Site clashes**

No branded fundraiser **OUGHT** be present on a site that has been allocated to, or has otherwise been booked by, another team. Where two teams are present at any given fundraising site, they **OUGHT** both cease working until the site clash has been resolved. Similarly, no staff recruitment team **OUGHT** to work on or immediately adjacent to a site that has been allocated to, or is otherwise being worked by, another team.

### **Sanction**

The penalty imposed for breach of this rule is 100 points per fundraiser per incident.

### **“Site agreements”**

The IoF code says that “wherever possible”, a site agreement **OUGHT** to be in place between F2F activity organisers and relevant access authorities.

## **RULE 07: New Site Testing**

Site Management Agreements (SMAs) describe the specific conditions within which fundraising can take place in a particular location. They can be obtained from the PFRA upon request. In any location where a PFRA SMA is not yet in place and there are no clear customary practices to follow for use of the site (for instance where a local authority has previously or traditionally been restrictive or obstructive) fundraisers are permitted to operate in order to test its productivity, establish its optimum capacity, and establish relationships with the relevant ‘gatekeeper’ for later PFRA engagement.

Prior to commencing operations in any such location, providers **OUGHT** to make the fullest possible efforts to observe the relevant section of the IoF *Code of Fundraising Practice*, in which, for the purposes of PFRA members, all “**SHOULD**S” are to be read as “**OUGHT**S”. In other words, PFRA is making mandatory for PFRA members those parts of the code that the IoF regards as recommended best practice only.

When a location has been identified, and access secured in accordance with the code and the paragraph above, and prior to activity commencing, providers **OUGHT** to inform the PFRA of the full and precise terms of the access agreement.

For the purposes of PFRA diarising, ‘new’ sites opened up in this way may be operated by the originating provider(s) with ‘test exclusivity’ for up to 3 months. This period is calculated as running from the date of the first fundraising visit, or from 14 days from the date that access permission was granted, whichever is the sooner. At the conclusion of the ‘test period’ a full and precise report of the site’s viability **OUGHT** to be presented to the PFRA in order that the site can be incorporated into a formal SMA and/or normal diary procedures, and fair and equitable access can be granted to all members in the normal way.

Every part of this rule applies equally to all forms of face-to-face activity including prospecting, etc.

### **Sanction**

The penalty imposed for breach of this rule is 100 points per incident.

### **EXTRA GUIDANCE: Exclusivity for new site testing**

“Exclusivity” for the purposes of establishing new capacity by ‘testing’ means that the PFRA will not broadcast the existence of operations in a relevant site or offer use of that site to other providers, nor is the provider obliged to publicly declare such operations, unless and until any of these criteria are satisfied:

- the test period is concluded

- the test operations engender a formal complaint from the gatekeeper that requires the intervention of the PFRA<sup>3</sup>
- another member becomes aware of the activities in the course of their own operations
- for any other reason the activity becomes public (including but not exclusively media interest, critical blogging etc.) to a degree which, in the absolute discretion of the PFRA, the matter requires PFRA intervention.

### **RULE O8: Optimal Site Use**

Where a PFRA SMA or any other form of site access agreement is in place, face-to-face activity **OUGHT** not to take place more frequently than that agreement allows for, unless special circumstances/exceptions have been negotiated and confirmed in advance with the PFRA or the site access controller.

#### **Sanction**

The penalty imposed for breach of this rule is 100 points per fundraiser per day.

### **RULE O8a: Optimal Site Use**

Providers **OUGHT** never book, reserve or retain capacity that they knowingly do not intend to use (or come to know they will not be able to use before the time and date concerned), in such a way that another provider is deprived of a viable fundraising opportunity. Such capacity **OUGHT** always be returned to the PFRA or other relevant site access controller for redistribution at their absolute discretion, in as timely a manner as possible to allow for such redistribution, unless special circumstances/exceptions have been negotiated and confirmed in advance with the PFRA or the site access controller.

#### **Sanction**

The penalty imposed for breach of this rule is 100 points per incident.

### **RULE O9: Poaching of Staff**

No agent or member of staff in whatever capacity of one PFRA member **OUGHT** solicit another member's agents/staff to enter the first member's employment, while those other agents/staff are on duty. Further, no agent or member of staff in whatever capacity of one PFRA member **OUGHT** use any PFRA contact list to solicit another member's agents/staff to enter the first member's employment.

#### **Sanction**

The penalty imposed for breach of this rule is 100 points per incident.

### **RULE O10: Sub-Contractors**

All provider members that employ sub-contractors to deliver any part of their F2F contractual volumes via subcontractors' interaction with the public **OUGHT** to:

- provide the PFRA with the name and location of each and every such sub-contractor throughout the entire supply-chain, so that the PFRA can reliably confirm their status, and refer matters accordingly, in the event of quality comments or complaints
- include in their contractual arrangements a clear requirement for each and every such sub-contractor throughout the entire supply-chain to comply with the Institute of Fundraising's *Code of Fundraising Practice*, and any and all PFRA rules, in the same manner as if they were the lead member contracting them.

#### **Sanction**

The penalty imposed for breach of this rule is 100 points per incident.

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<sup>3</sup> By definition all complaints from viable and authorised gatekeepers 'require' the intervention of the PFRA

## 5 Administrative rules

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### **RULE A1: Levy submission**

All levy submissions deadline dates for the year are included on the levy return form, which is sent by email at the beginning of the year (if you are a current member). All levy submissions must be made by the stipulated deadline and time as prescribed.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points per incident.

### **RULE A2: Accreditation submission**

Accreditation forms must be returned by the agreed deadline.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points per incident.

### **RULE A3: Notification of visits**

Where required by a SMA, local authority gatekeepers are to be notified of intended visits by the stipulated deadline.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points per incident.

### **RULE A4: Diary changes**

All changes to online diaries must be made by the agreed deadline.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points incident.

All changes to non-online visits must be notified before the agreed deadline.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points per incident.

### **RULE A5: Bidding deadlines**

Bids for National Site Diaries (NSDs), London Site Management system (LSM) and LSM Pool diary must be made before the relevant deadlines.

#### ***Sanction***

The penalty imposed for breach of this rule is loss of fundraising capacity.

### **RULE A6: Overbidding**

Members are not to overbid by more than 20% of the total number of staff they plan to field.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points per incident, which will double with each consecutive failure to comply.

### **RULE A7: NSD deadlines**

All NSD deadlines must be complied with.

#### ***Sanction***

The penalty imposed for breach of this rule is 20 points per incident.

## **RULE A8: Rota Submissions**

All relevant rotas to be submitted before the relevant deadlines.

### ***Sanction***

The penalty imposed for breach of this rule is 20 points per incident.

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## EAST HERTS COUNCIL

### LICENSING COMMITTEE – 13 MARCH 2014

#### REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

#### 8. PROPOSAL FOR ENGAGEMENT WITH THE EAST HERTS LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE TRADE

WARD(S) AFFECTED: ALL

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#### **Purpose/Summary of Report:**

- To detail a proposed methodology for engaging with the East Herts hackney carriage and private hire, drivers, proprietors and operators.

<b><u>RECOMMENDATION FOR LICENSING COMMITTEE:</u></b> that	
<b>(A)</b>	<b>The plan for engagement with the licensed Hackney Carriage and Private Hire trade be approved.</b>

#### 1.0 Background

1.1 Historically regular meeting were held with trade representatives to discuss issues and explore ways to address them but this group is no longer in existence.

1.2 In the absence of any nominated representatives from the trade Brian Simmonds, Head of Community Safety and Health Services, met with a number of licensed drivers during 2013 to gain a better idea of the issues facing the trade. As a result of these meetings a customer feedback form was designed and printed to raise awareness with passengers that they can highlight when drivers are good and complain when standards are not met. This leaflet is currently being distributed to the trade for them to pass to passenger and once responses are received these will be detailed in the quarterly licensing activity reports put before the committee. A copy of the feedback form is attached as **Essential Reference Paper 'B'**.

1.3 This collaboration with just two members of the licensed trade has highlighted the positive outcomes that can be achieved through open discussions but also that engagement with the trade lacking.

- 1.4 In order to address this issue a plan for increasing engagement has been formulated. It is hoped that this can rebuild the relationship and have some positive outcomes for the public, trade and East Herts Council. This process was started when the Chair of the Licensing Committee sat down with a licensed driver to listen to his concerns and it is now for Officers to take it forward.
- 2.0 Report
- 2.1 From the limited discussions that have taken place with trade it is apparent that there is a general feeling that they are not being listened to and that their concerns are being ignored.
- 2.2 A number of issues have been identified by a limited number of drivers. Any decisions regarding changes to policy or procedure based on these very limited talks would be open to challenge which is the reason why Officers are suggesting that meetings be held with the whole licensed trade.
- 2.3 The issues already identified are not detailed in this report as it is felt that it's important that the trade do not feel that the agenda is driven by any one individual from the trade. Engagement can only happen if all parties feel that their opinions are considered.
- 2.4 There are approximately 320 individuals in the licensed trade. These are divided between hackney carriage and private hire, daytime and night time trade, Hertford/Ware and Bishops Stortford. The intention is to hold 26 separate meetings to give everyone an equal opportunity to have their say.
- 2.5 The proposed format for the meetings is to invite approximately 20 individuals to each 2 hour meeting. Three meeting times and two different venues are proposed 10:00-12:00, 13:00-15:00 and 18:30-20:30, split proportionately between Hertford and Bishop's Stortford. This will allow every licence holder the same opportunity to attend.
- 2.6 Each meeting will start with the attendees being asked what they believe the biggest issues are that affect the trade. These issues will be recorded then each individual will be asked to identify the five biggest issues to them. This will be done in an anonymous way so that individuals feel free to give their own opinion without peer influence.

- 2.7 Once the list has been put into an order of importance by the attendees they will be asked for their suggestions regarding the solutions to the issues. Time permitting all of the issues listed will be address during the meeting but it is felt that the top 5 should be looked at as a minimum.
- 2.8 During the meetings attendees will be asked what sort of forum they would like to see going forward so that communication continues to improve. They will also be asked how best they think the representatives from the trade should be selected/nominated or if a regular open meeting is the preferred option.
- 2.9 All suggestions will be recorded and once all the meeting have been concluded a priority list of issues will be compiled with the suggested solutions. These may need to be recorded as three separate lists as there may be issues that only affect the hackney carriage or private hire trade but there are also likely to be issues that affect both. Officers will then look at the practicalities of the suggestions for addressing these issues.
- 2.10 A final meeting will be held to which all previous attendees will be invited and Officers will feedback on the list of issues and the way forward with implementing changes/solutions.
- 2.11 Guidance is sought from the Licensing Committee regarding the approach to be taken when implementing possible solutions. For example if an issue is raised regarding the knowledge test for a dual drivers badge this could be addressed by a procedural change. This would be possible as the Licensing Committee has previously agreed that there should be a knowledge test but has not stipulated the format. Is the Licensing Committee happy for Officers to make these changes based on consultation with the Licensing Chair in order to expedite the outcomes?
- 2.12 Other changes will clearly have to come before the Licensing Committee for consideration as they will be a change of policy. For example the introduction of knowledge tests for private hire drivers. When these changes are bought before the Licensing Committee Members may wish to instruct Officers to carry out wider consultations on some issues if they believe that they would negatively impact on passengers.
- 2.13 There may also be changes that are on the direct control of the East Herts Council which we may not be able to address or require contact with outside agencies. Where this is the case both the trade and the Licensing Committee will be informed.
- 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None.

Contact Member: Councillor Malcolm Alexander – Executive Member for Community Safety and Environment.  
[malcolm.alexander@eastherts.gov.uk](mailto:malcolm.alexander@eastherts.gov.uk)

Contact Officer: Brian Simmonds – Head of Community Safety and Health Services, Extn: 1498.  
[brian.simmonds@eastherts.gov.uk](mailto:brian.simmonds@eastherts.gov.uk)

Report Author: Oliver Rawlings – Senior Specialist Licensing Officer, Extn: 1629.

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS:

<p>Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):</p>	<p><b>People</b> This priority focuses on enhancing the quality of life, health and wellbeing, particularly for those who are vulnerable, and delivering strong services</p> <p><b>Place</b> This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p><b>Prosperity</b> This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
<p>Consultation:</p>	<p>For information only, and no partner or external consultation has taken place.</p>
<p>Legal:</p>	<p>No issues identified by report author or contact officer</p>
<p>Financial:</p>	<p>No issues identified by report author or contact officer</p>
<p>Human Resource:</p>	<p>No issues identified by report author or contact officer</p>
<p>Risk Management:</p>	<p>No issues identified by report author or contact officer</p>

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Please fill in this form. Seal the form and send back to us free of charge.

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## Your feedback is welcome

Tell us as much as you can about your journey and the driver. We can then tell our licensed taxi drivers about the service they are delivering.

[www.eastherts.gov.uk](http://www.eastherts.gov.uk)

**Taxi Feedback**  
East Herts Council  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ





## EAST HERTS COUNCIL

### LICENSING COMMITTEE – 13 MARCH 2014

#### REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

#### 9. HERTFORD TAXI MARSHALS SCHEME REVIEW AND PROPOSAL FOR THE 2014-2015 SERVICE LEVEL AGREEMENT

WARD(S) AFFECTED: ALL

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#### **Purpose/Summary of Report:**

- To detail the success of the scheme, review the current Service Level Agreement (SLA) and consider any recommendations for 2014-2015 agreement.

<b><u>RECOMMENDATION FOR LICENSING COMMITTEE:</u></b> that	
<b>(A)</b>	<b>Members make any recommendations they see necessary in respect of the 2014–2015 Service Level Agreement (SLA).</b>

<b><u>RECOMMENDATION FOR LICENSING COMMITTEE:</u></b> that	
<b>(A)</b>	<b>Members make any recommendations they see necessary in respect of the 2014–2015 Service Level Agreement (SLA).</b>

#### 1.0 Background

1.1 A taxi marshal pilot scheme was introduced in Fore Street, Hertford in October 2005 on Friday and Saturday nights between the hours of 09.00pm and 03.00am. A new taxi rank was approved which incorporated the use of bus shelters for inclement weather after buses ceased to run.

1.2 The rank was quickly taken up by East Herts licensed Hackney Carriages who realised the benefits of a controlled rank for late night revellers.

1.3 People using the late night economy of Hertford also quickly realised the benefits of a marshalled rank where order was maintained and taxis were readily available.

1.4 Taxi Marshals have proved a valuable tool in tackling anti-social behaviour and tackling crime late at night when the pubs and clubs close, helping with dispersal from the town centre. The careful location and policing of the taxi rank has alleviated some of the anti-social behaviour in the area.

- 1.5 It was noticeable that the age of the people using Hertford late at night increased as people of all ages enjoyed the safer environment.
- 1.6 The Hackney Carriage drivers now enjoy a safer environment and as consequence remain working later into the night to ensure the safe dispersal of people from Hertford town centre.
- 1.7 The 2013 – 2014 Service Level Agreement (SLA) provides for two taxi marshals to be present at the Fore Street rank every Friday and Saturday night between 22:00 and 03:00.
- 1.8 The SLA is between Hertfordshire County Council, East Herts Council and Bradsec Securities who provide the marshals. 50% of the funding for the current financial year has been provided by Hertford Town Council which was then match funded (50%) by Hertfordshire County Council.
- 1.9 Bradsec Securities invoice East Herts Council on a monthly basis and the hours of the taxi marshals are checked against those recorded by the CCTV control room. Once the hours are verified the invoice is paid and then the Town Council are recharged for that amount.
- 2.0 Report
- 2.1 It has been identified that the current SLA does not contain any flexibility in relation to busy evenings in Hertford that don't fall on either a Friday or Saturday.
- 2.2 This has been discussed at Pubwatch and raised by the Police as an issue for Hertford on Sundays before Bank Holiday Monday's, Christmas Eve and New Year's Eve.
- 2.3 The Chair of the Licensing Committee was with the Police on New Year's Eve 2013 and witnessed for himself some of the issues that arise on these busy evenings if taxi marshals are not provided.
- 2.4 The Chair approached officers to see why marshals are not provided on these nights when the Town Centre is obviously going to be busy.
- 2.5 Officers had identified the need for taxi marshals on Christmas Eve and New Years Eve 2013 and had been in discussions with

Bradsec Securities who had confirmed they could provide marshals if requested but that this would be charged at time and a half.

- 2.6 The 2013-2014 Service Level Agreement specifically excludes any nights other than Fridays or Saturdays so additional funding needed to be sourced in order provide taxi marshals on these evenings.
- 2.7 The issue of funding was raised with Hertford Town Council but the additional funding was not forthcoming.
- 2.8 Officers have identified the following dates in 2014-2015 that would not be covered if the wording of the next SLA is not amended to include them:
- Sunday 20 April 2014, evening before Easter Monday Bank Holiday
  - Sunday 4 May 2014, evening before Early May Bank Holiday
  - Sunday 25 May 2014, evening before Spring Bank Holiday
  - Sunday 24 August 2014, evening before Summer Bank Holiday
  - Wednesday 24 December 2014, Christmas Eve
  - Wednesday 31 December 2014, New Years Eve
- 2.9 Bradsec Securities have confirmed that these additional shifts would be charged at time and a half. The total cost for these six evenings would be £1,350. This calculation is based on the current hourly rate but the hourly rate is likely to rise for the next SLA.
- 2.10 Hertfordshire County Council have been approached by officers regarding these additional evenings and have confirmed that they are currently planning to match fund 50% of the taxi marshal scheme, including the additional nights.
- 2.11 At the time of drafting the report officers have been unable to get confirmation from Hertford Town Council with regards to the additional funding to cover the six extra evenings detailed above.
- 2.12 Officers would suggest that Hertford Town Council is approached by the Chairman of the Licensing Committee and the Senior Specialist Licensing Officer to discuss the funding for the taxi marshal scheme in 2014-2015.

2.13 This will allow officers to enter negotiations regarding the SLA for the next financial year with a clear understanding of what is required.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None.

Contact Member: Councillor Malcolm Alexander – Executive Member for Community Safety and Environment.  
[malcolm.alexander@eastherts.gov.uk](mailto:malcolm.alexander@eastherts.gov.uk)

Contact Officer: Brian Simmonds – Head of Community Safety and Health Services, Extn: 1498.  
[brian.simmonds@eastherts.gov.uk](mailto:brian.simmonds@eastherts.gov.uk)

Report Author: Oliver Rawlings – Senior Specialist Licensing Officer, Extn: 1629.

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS:

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	<b>Promoting prosperity and well-being; providing access and opportunities</b> <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	For information only, and no partner or external consultation has taken place.
Legal:	No issues identified by report author or contact officer
Financial:	No issues identified by report author or contact officer
Human Resource:	No issues identified by report author or contact officer
Risk Management:	No issues identified by report author or contact officer

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## EAST HERTS COUNCIL

### LICENSING COMMITTEE – 13 MARCH 2014

#### REPORT BY EXECUTIVE MEMBER FOR COMMUNITY SAFETY AND ENVIRONMENT

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#### 10. ATTENDANCE AT LICENSING SUB-COMMITTEE

WARD(S) AFFECTED: All.

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#### **Purpose/Summary of Report:**

- Members have asked for details of attendances at Licensing Sub-Committees including Members attending as observers. This was in order to show work was being shared equally. These are detailed in **Essential Reference Paper 'B'**.

<b><u>RECOMMENDATION FOR LICENSING COMMITTEE:</u> that</b>	
<b>(A)</b>	<b>The report be received.</b>

#### 1.0 Background

1.1 Members of Licensing Sub-Committees are drawn from the Council's Licensing Committee. These Members are required to complete appropriate training and attend meetings before serving on Licensing Sub-Committees.

#### 2.0 Report

2.1 The tables in **Essential Reference Paper 'B'** give details of attendances at Licensing Sub-Committee during the current civic year.

#### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

Licensing Sub-Committee minutes.

Contact Member: Councillor M Alexander, Deputy Leader and Executive Member for Community Safety and Environment. [malcolm.alexander@eastherts.gov.uk](mailto:malcolm.alexander@eastherts.gov.uk)

Contact Officer: Jeff Hughes, Head of Democratic and Legal Support Services, Extn: 2170. [jeff.hughes@eastherts.gov.uk](mailto:jeff.hughes@eastherts.gov.uk)

Report Author: Peter Mannings, Democratic Services Officer, Extn: 2174. [peter.mannings@eastherts.gov.uk](mailto:peter.mannings@eastherts.gov.uk)

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS:

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	<p><b>People</b> This priority focuses on enhancing the quality of life, health and wellbeing, particularly for those who are vulnerable, and delivering strong services</p> <p><b>Place</b> This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p><b>Prosperity</b> This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	None.
Legal:	The Council is required to ensure that licensing matters are dealt with by suitably qualified Members in an impartial manner.
Financial:	None.
Human Resource:	None.
Risk Management:	The Council's reputation could be at risk if licensing matters are not dealt with in a correct manner.

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## ESSENTIAL REFERENCE PAPER 'B'

\*\*Training and attendance needed (training is consider to be essential before Members are selected for a Licensing Sub–Committee hearing).

\* Attendance needed at Licensing Sub–Committee to gain experience as an observer (this is considered to be a preferred prerequisite before Members are selected for a Licensing Sub–Committee hearing).

<b>Licensing Committee Members attending as Members of Sub-Committee</b>									
<b>Members</b>	<b>Total</b>	<b>From 15 May 2013</b>							
Ashley W	1	19/11							
Ballam P	1	14/10							
Bedford E	3	13/08	06/12	06/01					
Beeching R	3	14/10	19/11	28/01					
Buckmaster E	5	31/05 am	04/10	14/10	06/01	14/02			
Cheswright R	3	13/08	04/10	28/01					
Crofton K	2	31/05 pm	13/08						
Hone D	4	31/05 pm	04/10	19/11	29/01				
Jones J	2	06/12	28/01						
McMullen M	5	31/05 am	25/10	06/12	29/01	14/02			
Moore P	0								
Taylor J	2	31/05 am	14/02						
Warman A	3	31/05 pm	25/10	06/01					
Wrangles B	2	25/10	29/01						

Jones G									
Newman M									
Ruffles P									

### Licensing Committee Members attending as Observer

Members	Total	From 15 May 2013							
Ashley W	1	29/01							
Ballam P	2	13/08	19/11						
Bedford E									
Beeching R									
Buckmaster E									
Cheswright R									
Crofton K									
D Hone									
Jones J	2	13/08	25/10						
McMullen M	6	13/08	04/10	14/10	19/11	06/01	28/01		
Moore P	1	14/10							
Taylor J									
Warman A									
Wrangles B									

<b>Substitutes:</b>									
Jones G									
Newman M									
Ruffles P	2	14/10	28/01						